

Fair Political Practices Commission

Memorandum

To: Chairman Getman, Commissioners Downey, Knox, and Swanson

From: Scott Burritt, Executive Fellow
Mark Krausse, Executive Director

Subject: Legislative Report

Date: April 26, 2002

Introduction

Important Deadlines

May 14, 2002	Governor's May budget revision released.
May 31, 2002	Last day for bills to pass out of house of origin.
June 15, 2002	Constitutional deadline for budget bill passage.
July 5, 2002	Summer recess begins (Legislature returns August 5)

Action Item—Commission Discussion

AB 1791 Runner Statements of Economic Interest 4/15/2002

Requires that 87200 filers and designated employees file their statements of economic interest within 10 days of their first day of employment. The author has provided the Commission staff with amendments to narrow the bill to designated state employees only. **In Senate Elections. Commission position: Oppose.**

AB 3051 Papan Independent Expenditure Disclosure 4/23/2002

Defines a "broadcast advertisement," for independent expenditure disclosure purposes, to include a prerecorded telephonic message expressly advocating the election or defeat of a clearly identified candidate. Requires independent expenditure advertisements (including mass mailings) to disclose the name of the committee making the independent expenditure, the cost of the advertisement, whether the advertisement is in opposition to or support of a candidate, and to include a disclaimer that the advertisement was produced without the permission or authorization of a candidate. **Passed Assembly.**

Informational Item—Bills Amending the PRA

Disclosure

AB 690 Wesson Telephone Advocacy 8/21/2001

Provides that a candidate, committee or other organization may not expend campaign funds to pay for 1,000 or more similar telephone calls to support or oppose a candidate or ballot measure unless the name of the organization that authorized or paid for the call is disclosed during the course of each call. Amendments taken to require committee to retain script or recording of call. **In Senate Appropriations.**

AB 2642 Maddox Eliminates Duplicate Campaign Filing Requirement 4/9/2002

Provides the Secretary of State authority to eliminate campaign reporting filings at the local level for state office candidates. **In Senate Elections. Commission position: oppose unless amended.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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Disclosure (continued)

SB 3	Brulte	Telephone Advocacy	5/22/2001
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Prohibits a candidate, committee or slate mail organization from using campaign funds to pay for telephone calls to support or oppose a candidate or ballot measure unless the call announces that it was paid for or furnished by the candidate, committee or slate mail organization. Also amends the definition of "mass mailing" to provide greater specificity and expressly include items delivered by any means to a recipient's home, business, place of employment or post office box. **In Assembly Appropriations. Commission position: Oppose unless amended.**

SB 2095	Johnson	Independent Expenditure Disclosure	5/8/2002
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This bill requires the Secretary of State to add to its website independent expenditures linked to state candidates and initiatives with respect to whom the independent expenditures were made. **On Senate Floor. Commission position: Support, if amended.**

SEI/Ethics

AB 1797	Harman	Conflict of Interest; Disqualification	5/13/2002
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Requires office holders specified in Section 87200 who have identified a financial interest in a decision to: (a) publicly state the nature of the conflict, except the disclosure of an exact street address of a residence is not required; (b) recuse himself or herself; (c) leave the room until the matter is concluded, unless the matter is on the consent calendar. **On Assembly Floor. Commission position: Oppose.**

AB 3022	Committee	State Agencies: Ethics Orientation	3/7/2002
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This bill would expand ethics training requirements to include all employees of a state agency who are required to file statements of economic interest. It would require attendance at the orientation course at least once every 2 years. **In Assembly Appropriations; on suspense file. Commission position: Support, if amended.**

SB 584	Committee	FPPC Sponsored SEI Loan Bill	4/2/2002
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Eliminates the requirement to for SEI filers to disclose loans from commercial lending institutions made during the normal course of business. **In Assembly Elections. Commission position: Sponsorship.**

SB 1620	Knight	Section 87200 SEI Filers	5/14/2002
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Would require appointees to newly created state agencies to provide full SEI disclosure. **On Senate Floor.**

SB 1781	Johnson	Increase of SEI Violation Penalties	2/21/2002
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This bill would increase the maximum penalty for failing to disclose an economic interest on the Statement of Economic Interest from \$5,000 to \$10,000. Additionally, for unreported economic interests exceeding a value of \$500,000, the Commission may add monetary penalties of the base amount, plus 1% of the unreported economic interest. **In Senate Elections.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
SEI/Ethics (continued)			

SB 1782	Johnson	Consultant Required to File SEIs	2/21/2002
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Defines consultant as anyone who performs substantially the same duties as an individual holding a position that is listed in the agency's conflict-of-interest code, or who is retained to make decisions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on financial interest. Agencies wishing to exempt consultants from filing SEIs must seek approval from the Commission, which shall maintain a list of all consultants so exempted. **In Senate Elections.**

SB 1783	Johnson	Reportable Economic Interest	2/21/2002
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For purposes of reporting economic interests, this bill expands the term jurisdiction to include the state of California for local SEI filers. **In Senate Elections.**

SB 1850	Poochigian	SEIs Filed 10 days After Statement of Candidacy	4/10/2002
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Currently candidates must file SEIs at the same time they file their declarations of candidacy. This bill would extend the deadline for candidates to file their SEIs to 10 days after the last day to file their declarations of candidacy. **In Assembly Elections.**

Conflicts

AB 2366	Dickerson	Financial Interests in Small Jurisdictions	4/10/2002
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Provides that in jurisdictions with populations of 10,000 or less, retail sales income from a customer representing up to 1% of revenues would not be considered a disqualifying financial interest if the customers of the business constitute a significant segment (10%) of the public generally. The exception would apply regardless of whether 1) the customer affected by a governmental decision is a primary source of income to the public official or 2) the effect of the decision on the customer is significantly different from its effect on other retail customers. The Commission voted unanimously to oppose on April 12, 2002. **In Senate Elections. Commission position: Oppose.**

Campaign

AB 2134	Longville	Public Financing of Campaigns	2/20/2002
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This proposed initiative, known as the Campaign Finance Reform Act of 2004, would repeal the ban on public moneys in elections. Creates a system of matching contributions to legislative candidates. Provides the Commission with funding and the administrative mandate to carry out provisions of the bill. If approved by the legislature, this proposed initiative directs the Secretary of State to place it on the ballot on the March 4, 2004 election. Passed Assembly Elections April 16, 2002. **Hearing scheduled in Assembly Appropriations May 23, 2002.**

SB 1741	Johnson	Loan Identification on LCRs	2/21/2002
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Requires late contribution reports to indicate whether contribution was a loan. **In Assembly Elections.**

SB 1742	Johnson	Return of Contributions to Candidate	2/21/2002
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Prohibits candidates from returning contributions made by the candidates to their own campaigns or controlled committees. **In Assembly Elections.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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Miscellaneous**AB 1500 Hertzberg Statewide Initiatives; Procedures****9/14/2001**

This bill would require that initiative proponents provide all names of contributors of more than \$100 for the previous 12 months to the Secretary of State within 30 days of requesting a title and summary. Requires committees that receive or spend \$1,000 or more to file monthly campaign reports. Requires committees that receive \$5,000 or more to electronically report contribution within 48 hours. Committees must disclose name and amount of contribution of top five contributors on mass mailers. This bill is the vehicle for the findings of the Speaker's Commission on the California Initiative Process and is expected to be substantially amended before being moved out of the Senate. **In Senate Elections.**

AB 2082 Longville Public Inspection of Campaign statements**4/29/2002**

Provides that campaign records must be available for public inspection in the offices of the Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County and Registrar of Voters in San Francisco on the Saturday preceding an election in March. Eliminates semiannual campaign statement filing for elected officials who do not have a controlled committee, received no contributions and did not make campaign expenditures. Also deletes the requirement that elected officials who do not maintain committees file semi-annual campaign statements, provided they have made no expenditures and have collected no contributions. **Passed Assembly Floor May 13. In Senate Rules.**

SB 300 McPherson Bipartisan Commission recommendations**4/23/2001**

Deletes the requirement that elected officials who do not maintain committees file semi-annual campaign statements, provided they have made no expenditures and have collected no contributions. The content of this bill has been amended into AB 2082 (Longville). Senator McPherson has announced that this bill will be amended to "prohibit the solicitation of campaign contributions during face to face meetings in state offices." **In Assembly Elections.**

SB 1806 Knight Contributions to Governor During Bill Signing Period**2/22/2002**

Would prohibit a person or a small contributor committee from making contributions to the governor during the period extending 30 days before, and ending the day after, the last day a governor may sign bills into law following adjournment of the legislature. **Failed in Senate Elections May 1, 2002.**